

THOMPSON, HINE AND FLORY

ATTORNEYS AT LAW

ONE COLUMBUS

10 WEST BROAD STREET

COLUMBUS, OHIO 43215-3435

September 9, 1994

US EPA RECORDS CENTER REGION 5



501350

(614) 469-3200

FAX (614) 469-3361

WRITER'S DIRECT

DIAL NUMBER

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Honorable Carolyn H. Browner
Administrator
Environmental Protection Agency
Waterside Mall
401 M Street, SW
Washington, DC 20460

Re: Granville Solvents Site, Licking County, Ohio
(AT&T, et al. v. Union Tank Car Company, et al.)

Dear Administrator Browner:

Pursuant to Section 113(1) of the Comprehensive Environmental Response Compensation and Liability Act, enclosed please find a copy of the Complaint filed in U.S. District Court, Southern District of Ohio in the above-captioned matter. Please note that Plaintiffs have not named the United States as a party in the action.

Please contact the undersigned should you have any questions.

Sincerely yours,

Ben L. Pfefferle, III

BLP:cjc

cc: Michael Anastasio, esq.
Assistant Regional Counsel
USEPA, Region V, w/enc.

198-09-94
7306

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

04 SEP-94 PM 3:2

AT&T Global Information
Solutions Company
1700 South Patterson Boulevard
Dayton, OH 45479,

AT&T
131 Morristown Road
Basking Ridge, NJ 07920,

The Goodyear Tire & Rubber
Company
1144 East Market
Akron, OH 44316-0001,

Steel Ceilings, Inc.
North Third Street
Coshocton, OH 43812

Plaintiffs,

vs.

Union Tank Car Company
%U.S. Corporation Company
380 South Fifth
Columbus, OH 43215,

Armco, Inc.
%Priscilla Elliott
Rosenberg, Esq.
Armco Legal Department
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, PA 15219-1415,

Vermont American Company
%Julia P. Hagan
100 East Liberty Street
Louisville, KY 40202-1472,

Earl Rice Cleanup
%Earl R. Rice
2044 Harrison Road
Fredericksburg, OH 44627,

Horton Manufacturing
Company, Inc.
%John P. Moss
1801 Akron Peninsula Road
Akron, OH 44313,

C2-94-876

Civil Action No. _____

JUDGE HOLSCHEIN

MAGISTRATE JUDGE ABEL

Bradley Paint Company
%Richard S. Wiedman, Esq.
Eckert, Seamans, Cherin
& Mellott
600 Grant Street, 42nd Floor
Pittsburgh, PA 15219,

The Dean & Barry Company
%The Andrew Service Corp.
Suite 1300
41 South High Street
Columbus, OH 43215,

Northway Environmental
Services, Inc.
%Charlotte V. Anwnick
1909 Lambros Lane #J11
Ashtabula, OH 44004,

Coyne International
Enterprises Corp.
%CT Corporation System
815 Superior Avenue, NE
Cleveland, OH 44114,

BDP Company
Division of Carrier Corporation
%CT Corporation System
3810 Carew Tower
Cincinnati, OH 45202,

Eastside Datsun
%Michael L. Dever
5449 Dixie Highway
Fairfield, OH 45014,

Westinghouse Electric
Corporation
%Prentice-Hall Corp. System
380 South Fifth
Columbus, OH 45215,

Metalgraphics, Inc.
%Kenneth E. Harris
Suite 1200
500 South Front Street
Columbus, OH 45215,

Accurate Plastics, Inc.
%CT Corporation System
815 Superior Avenue, NE
Cleveland, OH 44114,

National Aluminum
%NCP Corporation
Noble Industrial Park
Route 4
Caldwell, OH 43724,

Permal Corporation
now known as C-K Composites
Bridgeport Street
PO Box 108
Mt. Pleasant, PA 15666,

Gammatronix, Inc.
%Howard J. Gallant
3043 Cleveland Avenue
Columbus, OH 43224,

Homestead Industries
%C.T. Corporation Systems
3810 Carew Tower
Cincinnati, OH 45202,

Artcraft Iron
%Willard D. Argust
1147 Nantucket Avenue
Columbus, OH 43235,

IRD Mechanalysis, Inc.
%Thomas E. Baratka
758 Autumn Branch Road
Westerville, OH 43081,

Rape's Oil Company
%Ronald G. Rape
4646 Sycamore Road
Cincinnati, OH 45236,

RMP, Inc.
%Michael Woodrey
6660 Russell Heights Drive
Cincinnati, OH 45211,

Granville Solvents, Inc.
John Reeb, President
P.O. Box 95
Granville, OH 43023,

John Reeb
P.O. Box 95
Granville, OH 43023,

Defendants.

COMPLAINT

For its Complaint against Defendants named herein, Plaintiffs allege as follows:

1. This action is brought to recover the costs of response incurred, and to be incurred, by Plaintiffs pursuant to the provisions of the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, 42 U.S.C. §9601, et seq. ("CERCLA"). Plaintiffs seek to recover costs they have incurred, and will incur, in response to the release or threatened release of hazardous substances from the Granville Solvents Site in Granville, Ohio.

JURISDICTION AND VENUE

2. This action arises under §107(a) of CERCLA, 42 U.S.C. §9607(a) and §113(f) of CERCLA, 42 U.S.C. §9313(f).

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and 42 U.S.C. §9613(b).

4. Venue lies in this Court pursuant to 28 U.S.C. §1391(b) and 42 U.S.C. §9613(b).

5. Section 113(e) of CERCLA, 42 U.S.C. §9613(e), authorizes nationwide service of process against Defendants.

PARTIES

PLAINTIFFS

6. Plaintiff AT&T Global Information Solutions Company is a corporation organized under the laws of the State of Ohio.

7. Plaintiff AT&T is a corporation organized under the laws of the State of New York.

8. Plaintiff Goodyear Tire & Rubber Company is a corporation organized under the laws of the State of Ohio.

9. Plaintiff Steel Ceilings, Inc. is a corporation organized under the laws of the State of Ohio.

DEFENDANTS

10. Upon information and belief, Defendant Union Tank Car Company is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

11. Upon information and belief, Larsan Manufacturing is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive, and Defendant Vermont American Company is the parent corporation, or successor in interest to, Larsan Manufacturing.

12. Upon information and belief, Defendant Armco, Inc. is a corporation that does business in the State of Ohio, and is the successor in interest to E.G. Smith/ Cyclops Division, which was doing business in the State of Ohio between 1980 and 1986, inclusive.

13. Upon information and belief, Defendant Earl Rice Cleanup is a company that was doing business in the State of Ohio between 1980 and 1986, inclusive.

14. Upon information and belief, Defendant Horton Manufacturing Company, Inc. is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

15. Upon information and belief, Defendant Bradley Paint Company is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

16. Upon information and belief, Defendant The Dean & Barry Company is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

17. Upon information and belief, Defendant Northway Environmental Services, Inc. is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

18. Upon information and belief, Defendant Coyne International Enterprises Corp. is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

19. Upon information and belief, Defendant BDP Company, a Division of Carrier Corporation, is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

20. Upon information and belief, Defendant Eastside Datsun is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

21. Upon information and belief, Defendant Westinghouse Electric Corporation is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

22. Upon information and belief, Defendant Metalgraphics, Inc. is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

23. Upon information and belief, Defendant Accurate Plastics, Inc. is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

24. Upon information and belief, Defendant National Aluminum is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

25. Upon information and belief, Defendant Permal Corporation, now known as C-K Composites, is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

26. Upon information and belief, Defendant Gammatronix, Inc. is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

27. Upon information and belief, Defendant Homestead Industries is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

28. Upon information and belief, Defendant Artcraft Iron is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

29. Upon information and belief, Defendant IRD Mechanalysis, Inc. is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

30. Upon information and belief, Defendant Rape's Oil Company is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

31. Upon information and belief, Defendant RMP, Inc. is a corporation that was doing business in the State of Ohio between 1980 and 1986, inclusive.

32. Upon information and belief, Defendant Granville Solvents, Inc. is a corporation organized under the laws of the State of Ohio. On December 30, 1988, the Secretary of State canceled the corporate charter of Granville Solvents, Inc.

33. Upon information and belief, Defendant John Reeb is a resident of the State of Ohio. On information and belief, Defendant John Reeb was the President and sole shareholder of Defendant Granville Solvents, Inc.

THE FACTS

34. Defendant Granville Solvents, Inc. ("GSI") owns real estate located on Palmer Lane in Granville, Ohio (Licking County, Granville Township) known as Part of Lot 8 and Part of Lot 9 in Block 3, Part of Lot 10 and Lots 11, 12, 13, 14, and 15 in Block 4 of Munson's Addition to Village of Granville ("GSI Site"). The GSI Site is located adjacent to the Village of Granville's municipal drinking water supply.

35. From approximately 1958 until 1980, GSI operated a petroleum based bulk product storage, distribution and recycling center at the GSI Site. GSI repackaged aviation fuels, antifreeze and petroleum based solvents.

36. Beginning in 1980, or earlier, and until 1986, GSI operated a waste solvent reclamation and recycling business at the GSI Site.

37. In 1980, GSI received a RCRA Part A Permit from the Ohio EPA authorizing GSI to treat and store hazardous wastes at the Site, including permission to reclaim and recycle the waste solvents.

38. A variety of waste solvent chemicals were treated, recycled, reclaimed, or stored by GSI at the Site, including, but not limited to, waste trichloroethane, waste dichloromethane, waste trichloroethylene, waste methylene chloride, and waste paint products.

39. The waste solvent chemicals were commingled and stored, placed, treated, or disposed at the Site in drums, aboveground and underground steel tanks. Solid residues were separated for disposal and waste solvents were distilled and collected for reuse.

40. In 1986, GSI was ordered by the Ohio EPA and the Licking County Court of Common Pleas to cease operations.

41. On June 18, 1990, the Ohio EPA commenced removing the drums and tanks of waste chemical solvents and residues. By October 11, 1991, Ohio EPA completed its removal activities. Many of the drums and tanks were in a rusted and deteriorated condition and had leaked their contents into the environment.

42. As a result of operations at the GSI Site and leaks, spills or release from the drums and tanks, soil and ground water has been contaminated with the waste chemical solvents, creating an indivisible injury.

43. On September 7, 1994, Plaintiffs entered into an Administrative Order on Consent ("Order") with the United States

Environmental Protection Agency pursuant to §§106(a), 107 and 122 of CERCLA, 42 U.S.C. §§9606(a), 9607, and 9622. The Order requires Plaintiffs to engage in certain response actions at the GSI Site, including development and implementation of a site security plan, air monitoring program, comprehensive sampling and analysis plan, and ground water monitoring and testing plan; installation of a ground water extraction and treatment system; implementation of action to insure that any contaminated ground water originating from the GSI Site that enters the Village of Granville municipal drinking water supply meets all risk-based and applicable State and federal drinking water standards; install and operate a ground water extraction and treatment system to halt the migration of contaminated ground water toward the Village of Granville municipal well field; and treat contaminated soils to levels which will assure protection of human health and the environment.

44. The United States Environmental Protection Agency has determined that the response activities required by the Order are necessary to protect human health and the environment and to safeguard the Village of Granville municipal drinking water supply and are consistent with the National Oil and Hazardous Substance Pollution Contingency Plan, 40 C.F.R. Part 300.

45. Defendants have refused to participate in performing the various response actions required by the United States Environmental Protection Agency.

46. It will take many years to complete the response actions required by the United States Environmental Protection Agency. The

cost of complying with the Administrative Order on Consent may exceed five million dollars.

FIRST CLAIM FOR RELIEF

Claim for Joint and Several Liability
Under §107 of CERCLA 42 U.S.C. §9607

47. Plaintiffs restate and incorporate by reference as if fully set forth herein the allegations contained in paragraphs 1 through 46 of this Complaint.

48. Defendants Granville Solvents, Inc. and John Reeb are "person(s)" as used in §107(a) of CERCLA, 42 U.S.C. §9607(a) and as defined in §101(21) of CERCLA, 42 U.S.C. §9601(21), and "owner or operator(s)" as defined in §101(20) of CERCLA, 42 U.S.C. §9601(20).

49. The Granville Solvents Site is a "facility" as that term is used in §107(a) of CERCLA, 42 U.S.C. §9607(a) and as defined in §101(9) of CERCLA, 42 U.S.C. §9601(9).

50. Defendants identified in paragraphs 10 through 31 are "person(s)" as that term is used in §107(a) of CERCLA, 42 U.S.C. §9607(a) and as defined in CERCLA §101(21), 42 U.S.C. §9601(21) who by contract, agreement or otherwise disposed of, arranged for transport of, or arranged for transport for disposal or treatment of waste solvent chemicals owned or possessed by them, including substances defined as hazardous under §101(14) of CERCLA, 42 U.S.C. §9601(14), which were treated, stored or disposed of at the GSI Site.

51. There has been a "release" or "threatened release" of one or more hazardous substances, as that term is used in §107(a) of CERCLA, 42 U.S.C. §9607(a) and as defined in §101(22) of CERCLA, 42 U.S.C. §9601(22), from the GSI Site.

52. Defendants identified in paragraphs 10 through 31 arranged for the disposal or treatment of, or arranged for transport for disposal or treatment of one or more of the type of hazardous substances released or threatened to be released from the GSI Site.

53. The release or threatened release of one or more hazardous substances from the GSI Site has caused, and will continue to cause, Plaintiffs to incur, including but not limited to, costs in performing the requirements set forth in the Order, which are consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300, which are "necessary costs of response" as that phrase is used in §107(a) of CERCLA, 42 U.S.C. §9607(a) and defined in §101(25) of CERCLA, 42 U.S.C. §9601(25).

54. Each of the Defendants are strictly jointly and severally liable to Plaintiffs under §107(a), 42 U.S.C. §9607(a), for the response costs Plaintiffs have incurred, and will incur, as a result of the actual or threatened release of hazardous substances at the GSI Site, all of which response costs are, and will be, consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300.

55. Despite Plaintiffs' request, Defendants have failed to reimburse Plaintiffs, as required by law, for the costs Plaintiffs have incurred, and to pay the costs it may incur, as a result of the actual or threatened release of hazardous substances at the GSI Site, including, but not limited to, the costs in performing under the Order.

56. Copies of this Complaint have been provided to the Attorney General of the United States and to the Administrator of EPA, in accordance with the requirements of §113(1) of CERCLA, 42 U.S.C. §9613(1).

SECOND CLAIM FOR RELIEF

Claim for Declaratory Judgment

57. Plaintiffs restate and incorporate by reference as if fully set forth herein the allegations contained in paragraphs 1 through 56 of this Complaint.

58. Pursuant to the Order Plaintiffs will be required to implement the remedy for several years, and incur response costs for several years.

59. Pursuant to 28 U.S. C. §2201, Plaintiffs are entitled to a declaration that Defendants are strictly, jointly and severally liable for all future costs of response, removal, or remedial activities which may be required to be undertaken at the GSI Site.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request entry of judgment against Defendants as follows:

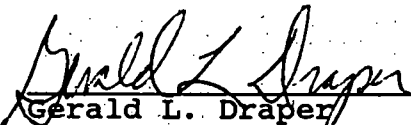
1. Judgment jointly and severally against each Defendant for the monies which Plaintiffs have expended (with interest thereon from the date of expenditure) in response to the actual or threatened release of hazardous substances from the GSI Site including, but not limited to, its costs in performing under the Order;

2. Declaring Defendants strictly, jointly and severally liable for all future costs of response, removal, or remedial activities which may be required to be undertaken at the GSI Site with interest thereon and to immediately pay those costs or reimburse Plaintiffs for those costs;

3. Interest, costs and attorneys' fees incurred by Plaintiffs in connection with this action; and

4. For such other and further relief as the Court deems proper.

Respectfully submitted,



Gerald L. Draper
Ohio Reg. No. 0022019
THOMPSON, HINE AND FLORY
10 West Broad Street
Columbus, OH 43215
(614) 469-3200

Attorneys for Plaintiffs

Of Counsel:

Ben L. Pfefferle, III (0024297)
Christopher Jones (0046959)
THOMPSON, HINE AND FLORY
10 West Broad Street
Columbus, OH 43215
(614) 469-3200